

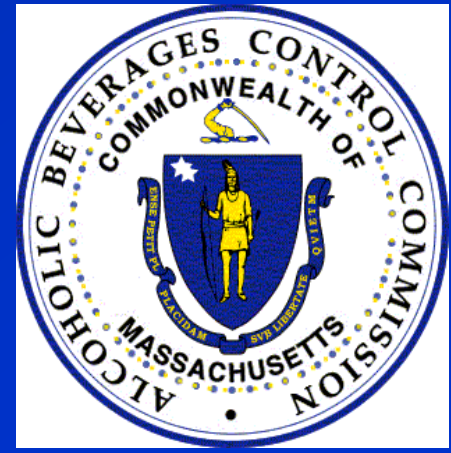
Alcoholic Beverage Control Regulation and Enforcement: Overview and Strategies for Preventing Impaired Driving

Chief Frederick Mahony

**Massachusetts Alcoholic
Beverages Control Commission**

**National Liquor Law
Enforcement Association**

May 16, 2012



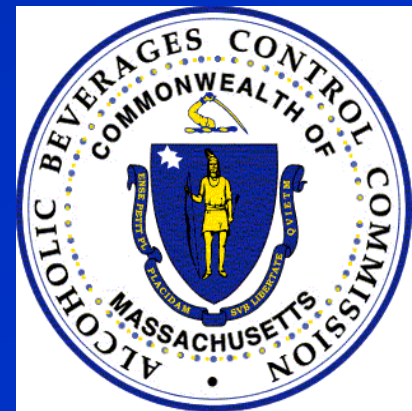
National Liquor Law Enforcement Association

- State, Provincial, County, Municipal & Campus Law Enforcement Personnel
 - Approximately 1,100 sworn and non-sworn officers with more than 100 member agencies
 - Vested interest in liquor law enforcement
- 501(c)6 non-profit association
 - Formed in 1987
 - Unaffiliated with the alcohol industry



Massachusetts Alcoholic Beverages Control Commission

- 14000 Retail outlets
- 13 Investigators
- 300 Reports – 1200 Violations in 2011
- Enforcement Objectives:
 - Drunk Driving Prevention
 - Underage Drinking Prevention
 - Illegal Gambling Prevention



Massachusetts Enforcement Strategy

Baseline Enforcement: Compliance Checks

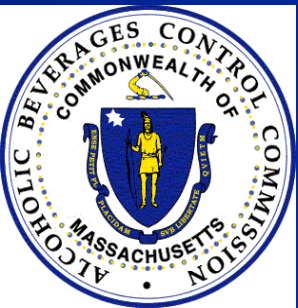
The objective of this operation is to educate licensees and to increase the vigilance of bars & liquor stores in the checking of identification.

Targeted Data Driven Enforcement: Problem Bars

Data based, intensive enforcement at bars seen as the source of impaired driving arrests.

Enhanced Enforcement Operations

Seasonal enforcement programs to address problem times and locations.



Alcohol Regulation in the United States

21st Amendment

- ❑ The 21st Amendment of the U.S. Constitution explicitly gives states a substantial role in regulating the alcohol trade.

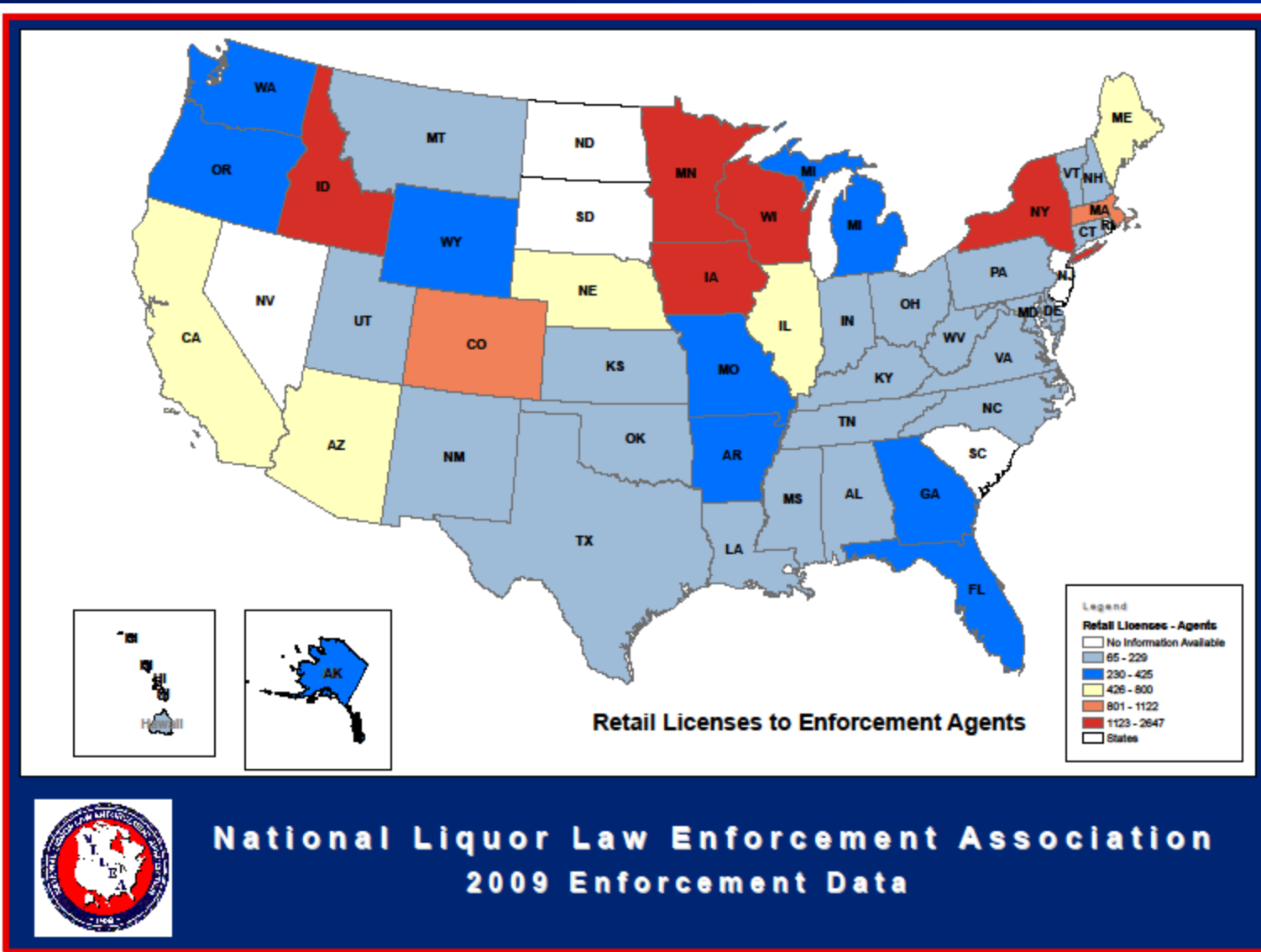
“The transportation or importation into any state, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.”

- ❑ After the end of Prohibition, each state was responsible for creating a structure to regulate the distribution, sales and consumption of alcoholic beverages.
 - ❑ License and control states
 - ❑ Licensing, enforcement, and adjudication powers

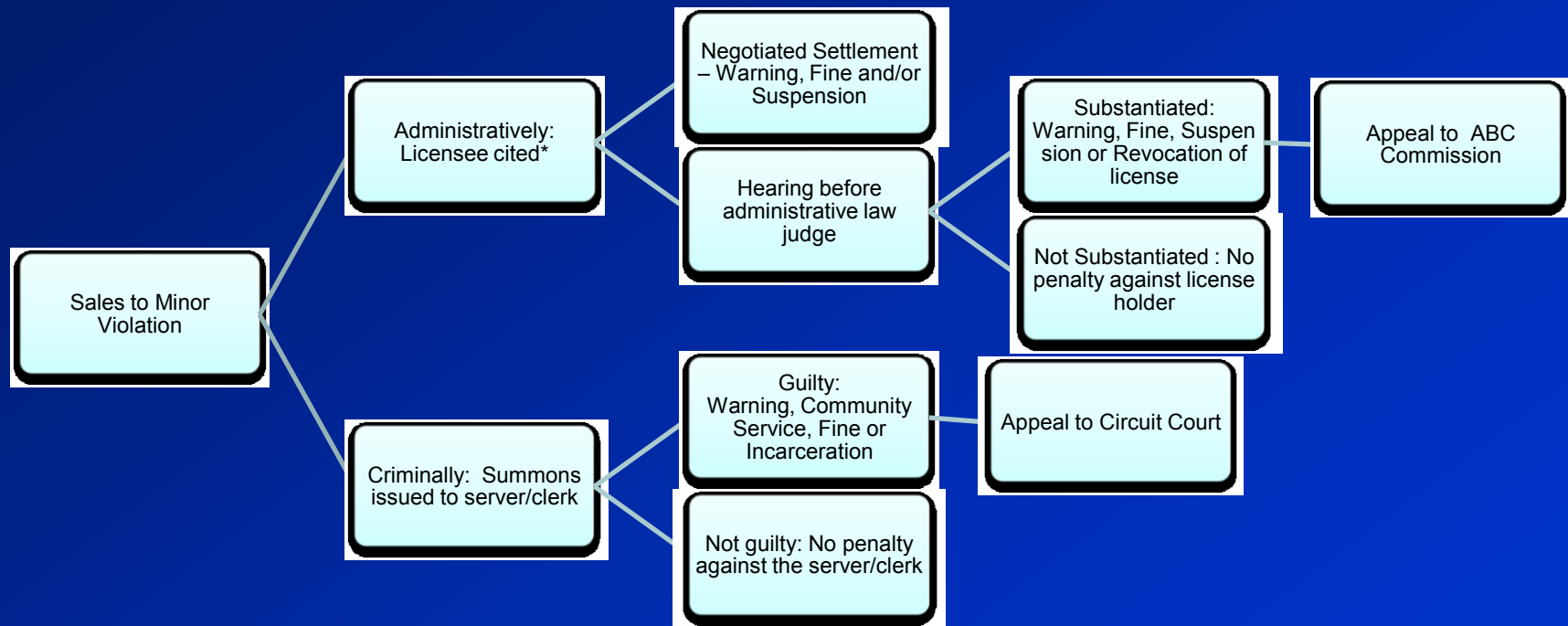
State Alcohol Law Enforcement Overview

- Underage Compliance Checks
- Sales to Intoxicated Persons Operations
- Support for Sobriety Checkpoints
- Undercover Operations
(gangs, drugs, corruption, gambling, prostitution)
- Nuisance Abatement
- Retail Licensee Training

Ratio of Licensees to Agents



Adjudication of Alcohol Beverage Control Laws Virginia Example



*Penalty guidelines for a first (within last three years) offense sales to minor violation include a \$2,000 fine or up to 25 days suspension.

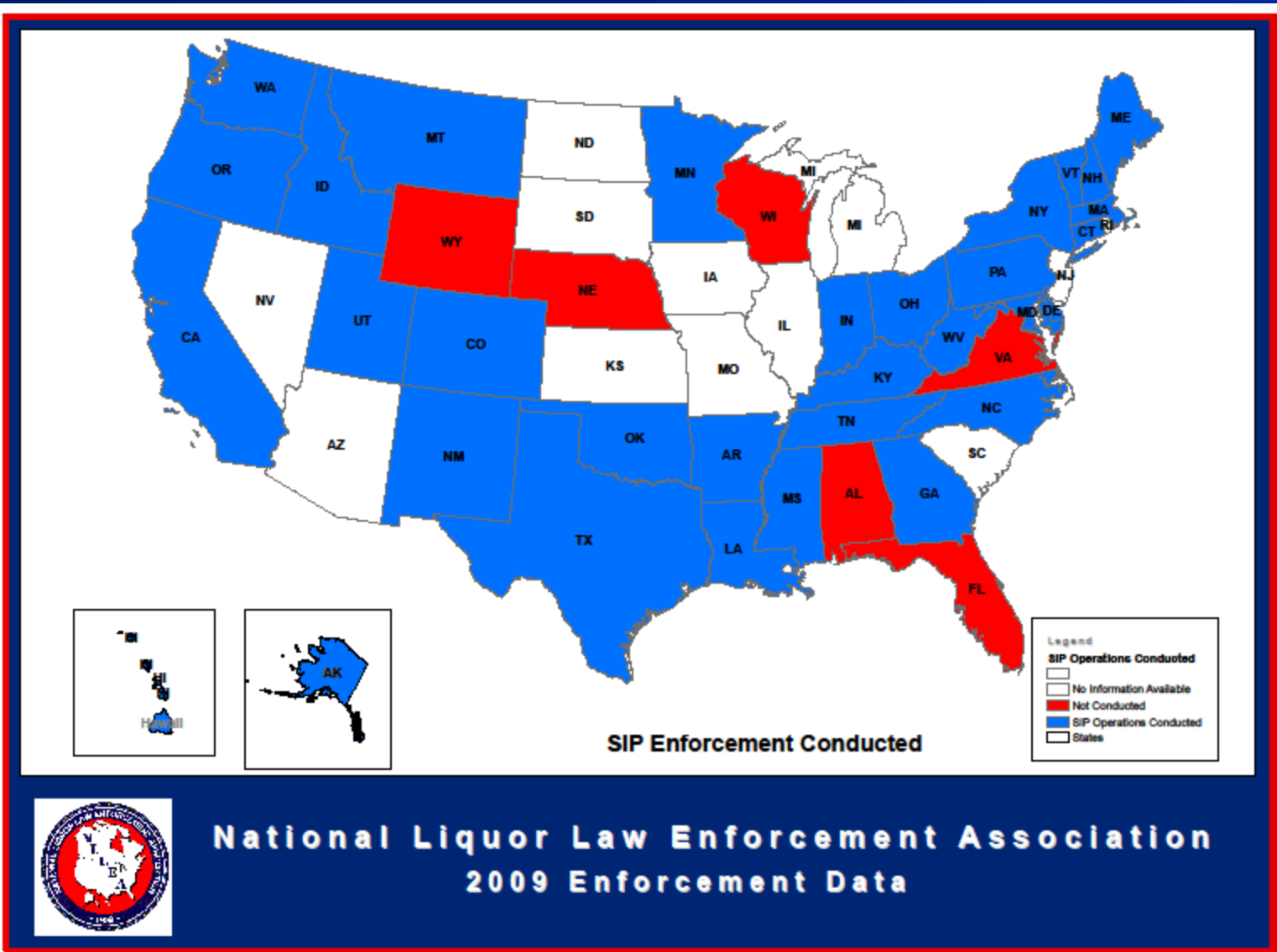
Research Behind Enforcement Initiatives: Underage Drinking

- CDC Community Preventive Services Task Force -- *Enhanced Enforcement of Laws Prohibiting Sale of Alcohol to Minors: Systematic Review of Effectiveness for Reducing Sales and Underage Drinking* (2007)
 - Eight studies included in review (including three that measured effects on alcohol consumption)
 - During enhanced enforcement programs, the proportion of decoys' buy attempts that were completed decreased by a median of 42% and “beneficial changes in underage alcohol consumption”
 - Mediating factors – intensity of enforcement program and associated publicity efforts
 - Effects decay substantially if enforcement efforts are discontinued

Research Behind Enforcement Initiatives: Over Service of Alcohol

- CDC Community Preventive Services Task Force – *Preventing excessive alcohol consumption: overservice law enforcement initiatives* (2010)
 - Two studies : “insufficient evidence to document the effectiveness of overservice law enforcement initiatives”
 - One study (with greater intensity of enhanced enforcement) found service to pseudo-intoxicated patrons decreased 28.5% in intervention vs. control settings and people arrested for DUI (with last drink in a bar or restaurant) decreased by 26.5%
 - The estimated effects on the most reliable health outcome – those related to DUI – showed beneficial effects in both studies.

Sales to Intoxicated Persons (SIP) Enforcement



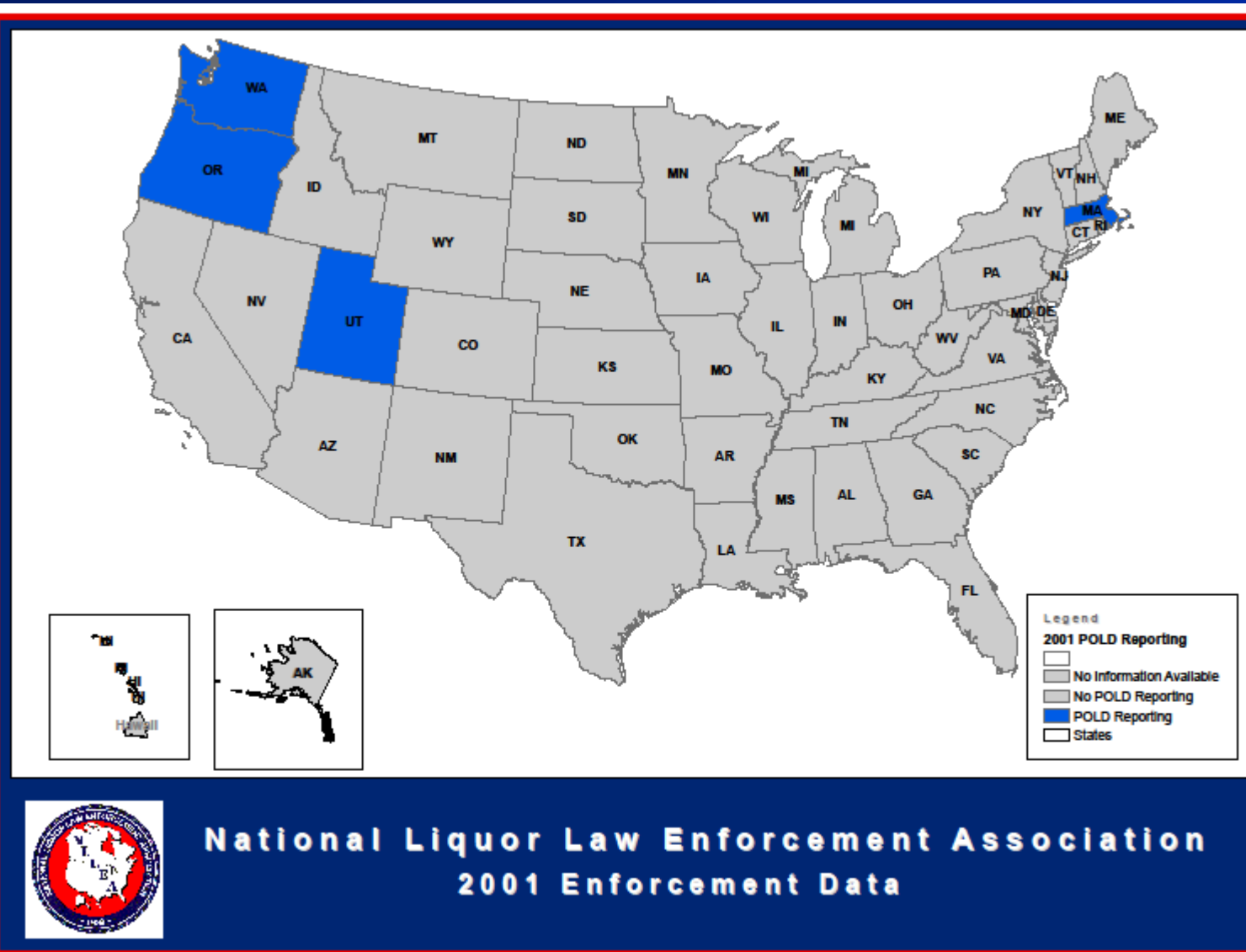
New Mexico Example

- If a patron is found to have a BAC of ≥ 0.14 g/dL within 90 minutes of consuming his/her last drink at a retail alcohol establishment the BAC can be used as presumptive evidence of intoxication at time of sale, and the licensee can be cited for over-service.
- License may be revoked after 3 violations in one year.

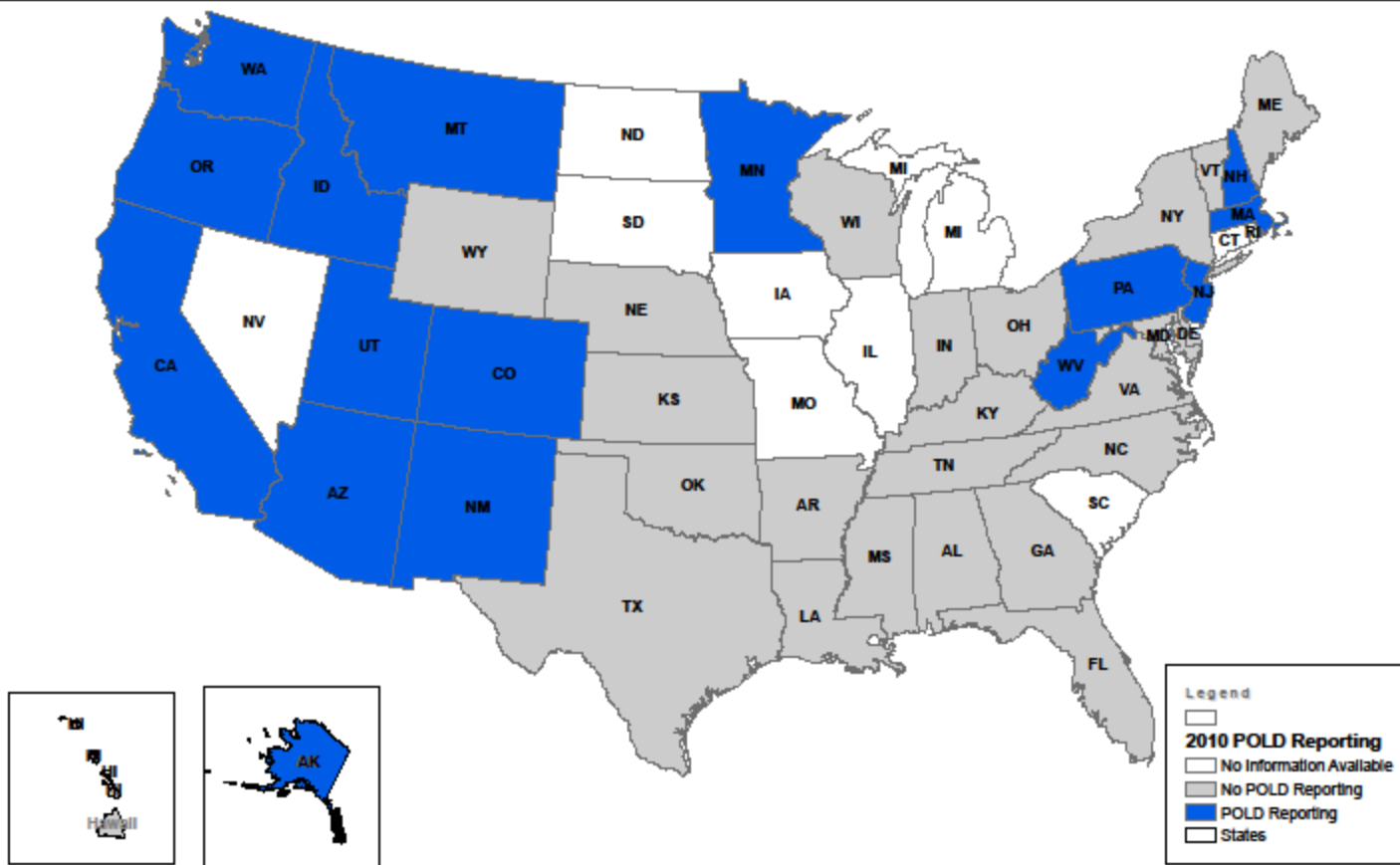
New Mexico: Preliminary Data

- The number of “three strikes” citations increased from 55 to 200 when comparing the first six months of 2006 and 2007.
- Binge drinking intensity and alcohol-impaired driving decreased when comparing 2004-2005 to 2007-2008.
- Alcohol-impaired motor vehicle crash fatality rate also decreasing.

Place of Last Drink Notices - 2001

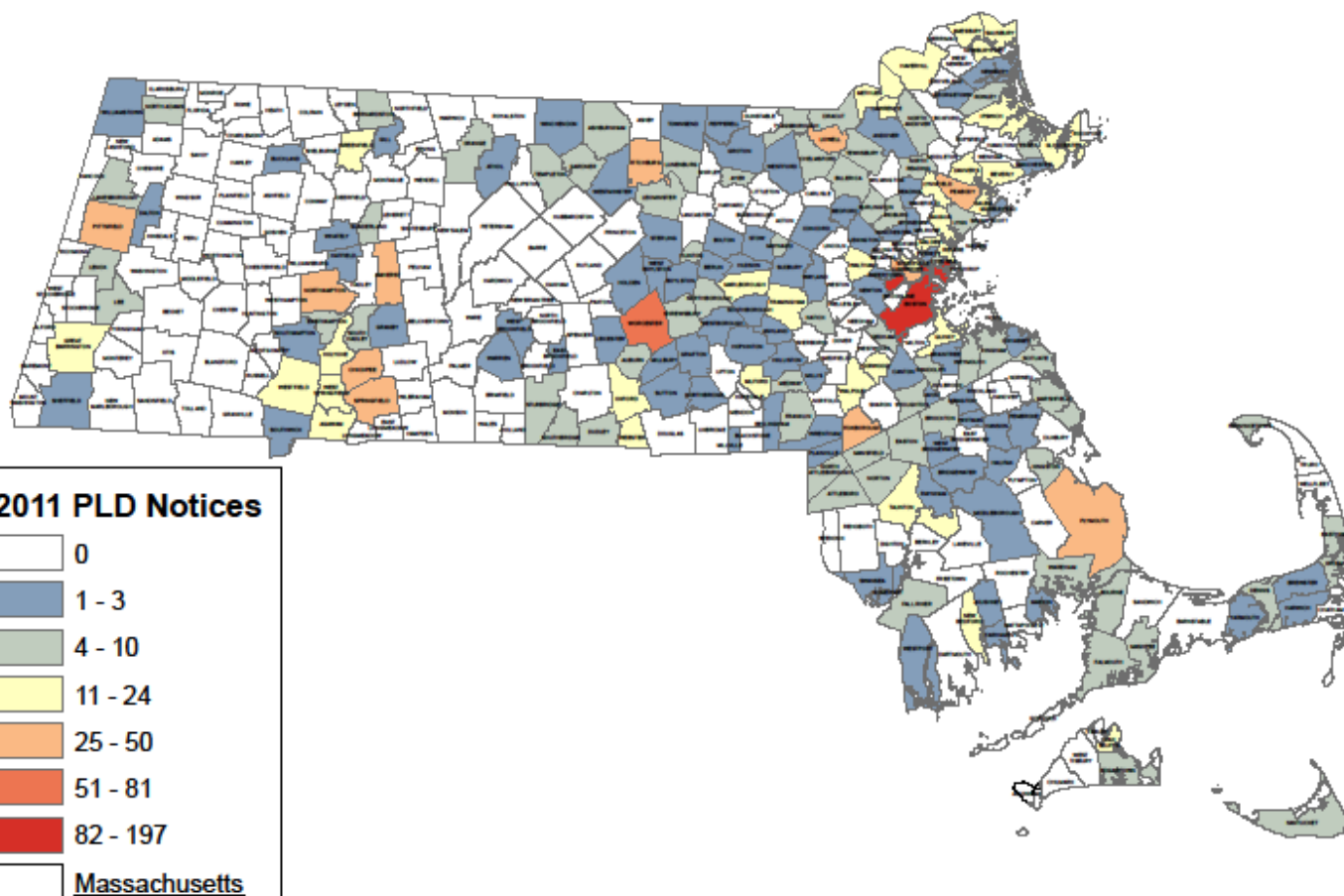


Place of Last Drink Notices - 2010



National Liquor Law Enforcement Association 2010 Enforcement Data

MA Place of Last Drink Notices - 2011



Massachusetts Alcoholic Beverages Control Commission

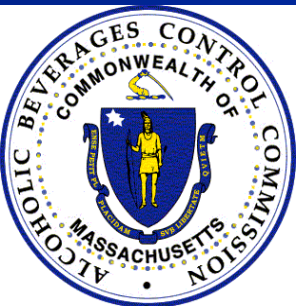
Massachusetts POLD Enforcement

There are over 2,400 Operating Under the Influence (OUI) reports filed with the ABCC annually.

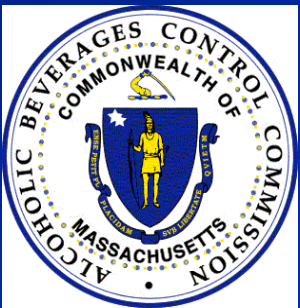
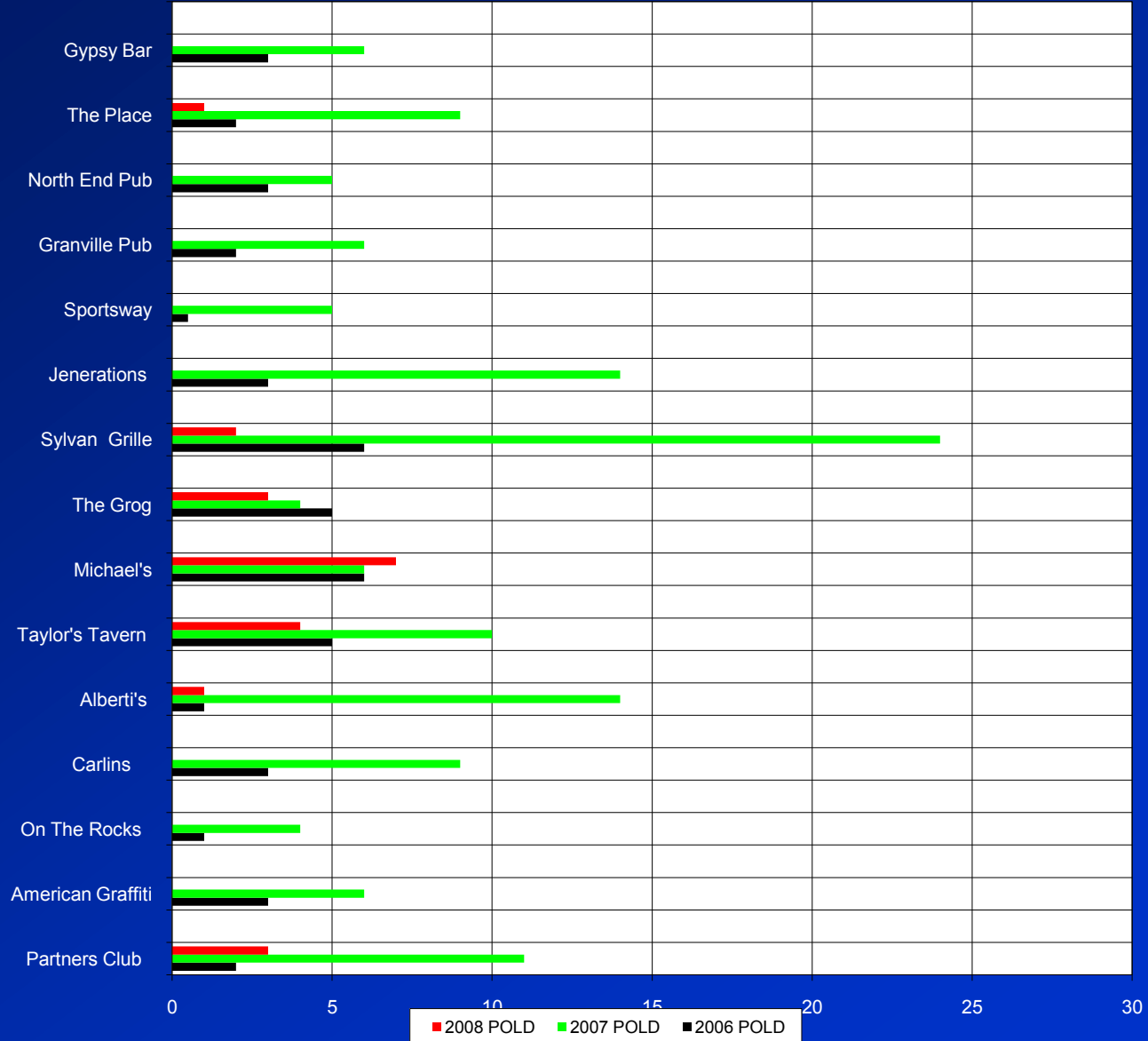
In 2007 the ABCC developed a report on the 30 “worst offenders”; 24 of these bars were charged.

The 2008 data clearly demonstrated a dramatic reduction in the number of OUIs originating from the bars that had been subject to intensive liquor enforcement and charged with SIP.

SIP enforcement known as “Operation Last Call” is conducted during strategic periods throughout the year.



P0LD Notice - Reduction



Recommendations

- Develop Place of Last Drink Data
- Enhance SIP enforcement nationwide
- Develop comprehensive national strategy to prevent sales to intoxicated persons
- Strengthen SIP laws
- Create national reporting system for state-level alcohol enforcement actions

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